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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,331	07/29/2003	John J. Rocse	ENI-048	6575
35557	7590	12/04/2006	EXAMINER	
CHRIS A. CASEIRO			BOUTAH, ALINA A	
VERRILL DANA, LLP				
ONE PORTLAND SQUARE			ART UNIT	PAPER NUMBER
PORTLAND, ME 04112-0586			2143	

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/629,331	ROESE ET AL.	
	Examiner Alina N. Boutah	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 September 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-31 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment filed September 5, 2006. Claims 32-40 have been cancelled. Claims 1-31 are pending in the present application.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 5, 2006 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Independent claims 1, 11, 18 and 27 have been amended to describe the invention as either a method or system for

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controlling network system usage by an attached function through direct modifications by one or more devices of the network infrastructure of static and/or dynamic policies for the attached function without manual intervention by a network administrator. The underlined feature is not supported by the specification. Applicant is hereby requested to point out exactly where this feature is taught in order to overcome this rejection.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding independent claims 1, 11, 18 and 27, it is unclear as to who (the attached function, the network infrastructure, a network administrator, etc) is performing the steps as claimed.

Claims 1 and 11 recite the limitation "devices of the network infrastructure." There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,122,664 issued to Boukobza et al. (hereinafter referred to as Boukobza) in view of USPN 6,502,131 issued to Vaid et al. (hereinafter referred to as Vaid).

Regarding claim 1, Boukobza teaches a method of controlling the usage by an attached function of network services associated with a network system that includes the attached function, one or more other attached functions and network infrastructure, the method comprising the steps of:

- a. obtaining information associated with the network system (abstract);
- b. setting one or more static policies for network services usage by the attached function (col. 2, lines 21-36; col. 3, line 60 to col. 4, line 5);
- c. setting one or more dynamic policies for network services usage by the attached function (col. 2, lines 21-36; col. 3, line 60 to col. 4, line 5); and
- d. monitoring the network system for triggers (abstract).

However, Boukobza fails to explicitly teach: e. modifying directly by one or more devices of the network infrastructure without manual intervention by a network administrator the static policies, the dynamic policies, or both for the attached function upon the detection of one more triggers. In an analogous art, Vaid teaches modifying directly by one or more devices of the network infrastructure without manual intervention by a network administrator the static policies,

the dynamic policies, or both for the attached function upon the detection of one more triggers [figure 3; col. 27, line 45 to col. 28, line 28]. At the time the invention was made, one of ordinary skill in the art would have been motivated to modify the dynamic and static policies upon the detection of a trigger in order to protect the managed resources in the network, thus making the network system more robust to threats.

Regarding claim 2, Boukobza teaches the method as claimed in claim 1 further comprising the step of saving set and modified policies associated with the attached function as policy history for the attached function (col. 18, lines 49-53).

Regarding claim 3, Boukoba teaches the method as claimed in claim 2 further comprising the step of querying whether a policy history exists for the attached function after obtaining the information from the network system (col. 22, lines 24-27).

Regarding claim 4, Boukoba teaches the method as claimed in claim 2 wherein the step of saving the set and modified policies associated with the attached function includes the step of caching some or all of the policy history in a network system device (col. 30, line 58-62).

Regarding claim 5, although Boukoba does not explicitly teach the method as claimed in claim 4 further comprising the step of invalidating the cached policy history based upon the occurrence of a specified event, it is well known in the art that cache can be invalidated anytime upon a user's command or specification.

Regarding claim 6, Boukoba teaches the method as claimed in claim 5 wherein the specified event is selected from the group consisting of time, size limitations, storage limits, a policy change, or a network system change (col. 2, lines 14-20).

Regarding claim 7, Boukoba teaches the method as claimed in claim 2 further comprising the step of evaluating whether the policy history includes any static policies that may be set for the attached function in a current session (col. 18, lines 49-53).

Regarding claim 8, Boukoba teaches the method as claimed in claim 1 wherein the triggers include timeouts, attached function changes, network infrastructure changes, intrusion detection events, firewall events, administrator inputs, network service changes and network service change requests (abstract).

Regarding claim 9, Boukoba teaches the method as claimed in claim 1 wherein the information includes attached function information, access device information, access port, number of devices per port, priority per port, priority per application, priority per device, application requested, exchange protocols available, port security, access location, and access time (col. 6, lines 65-67).

Regarding claim 10, Boukoba teaches the method as claimed in claim 1 wherein the only static policy is that there are only dynamic policies (abstract).

Claims 11-17 are similar to claims 1-6 and 8, respectively, therefore are rejected under the same rationale.

Regarding claim 18, Boukoba teaches a system to control the usage by an attached function of network services associated with a network system that includes the attached function, one or more other attached functions and network infrastructure, the system comprising:

a. means, forming part of the network system, for obtaining information associated with the network system (abstract).

However, Boukoba does not explicitly teach: b. a dynamic policy function module of the network infrastructure for setting static and dynamic policies for the attached function, for monitoring the network system for triggers, and for modifying directly by one or more devices of the network infrastructure the static policies, the dynamic policies, or both for the attached function without manual intervention by a network administrator based the detection of one or more triggers.

In an analogous art, Vaid teaches a dynamic policy function module of the network infrastructure for setting static and dynamic policies for the attached function, for monitoring the network system for triggers, and for modifying directly by one or more devices of the network infrastructure the static policies, the dynamic policies, or both for the attached function without manual intervention by a network administrator based the detection of one or more triggers [figure 3; col. 27, line 45 to col. 28, line 28]. At the time the invention was made, one of ordinary skill in the art would have been motivated to modify the dynamic and static policies upon the detection of a trigger in order to protect the managed resources in the network, thus making the network system more robust to threats.

Regarding claim 19, Boukoba teaches the system as claimed in claim 18 wherein the dynamic policy function module is a centralized module of a policy server of the network infrastructure (see the figure).

Regarding claim 20, Boukoba teaches the system as claimed in claim 18 further comprising means for saving set and modified policies history (col. 18, lines 49-53).

Regarding claim 21, Boukoba teaches the system as claimed in claim 20 wherein the means for storing set and modified policies history forms part of the policy server of the network infrastructure (col. 18, lines 49-53).

Regarding claim 22, Boukoba teaches the system as claimed in claim 20 wherein the means for storing set and modified policies forms part of an interconnection device of the network infrastructure (figure).

Regarding claim 23, Boukoba teaches the system as claimed in claim 18 wherein the dynamic policy function module is a distributed module forming portions of two or more devices of the network infrastructure (figure).

Regarding claim 24, Boukoba teaches the system as claimed in claim 23 wherein the two or more devices are selected from a combination of one or more servers and one or more interconnection devices or a combination of two or more interconnection devices (figure).

Regarding claim 25, Boukoba teaches the system as claimed in claim 20 wherein the means for saving set and modified policies includes means for caching the set and modified policies on a centralized network device, a local network device, or a combination of a centralized network device and a local network device (figure; col. 18, lines 49-53).

Regarding claim 26, although Boukoba does not teach the system as claimed in claim 18 wherein the means for obtaining information associated with the network system includes IEEE 802.1X authentication, RADIUS authentication, or a combination of IEEE 802.1X authentication and RADIUS authentication of the attached function, this feature is well known in the art as taught by Applicant's background in the specification.

Claims 27-31 are similar to claims 18-22, therefore are rejected under the same rationale.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

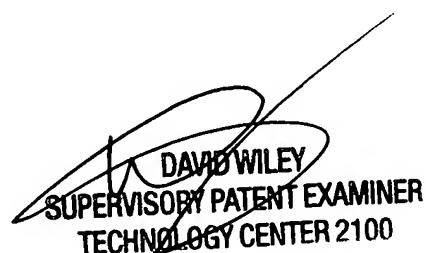
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100